

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KAROLINA MARIA, MARCINIAK-DOMINGUES :  
AGRA, and PEDRO MARCINIAK-DOMINGUES :  
GONCALVES AGRA, :  
: 1:22-cv-10959 (ALC) (SN)  
*Plaintiff*, :  
: **ORDER**  
-against- :  
: MASSACHUSETTS INSTITUTE OF TECHNOLOGY, :  
PRESIDENT AND FELLOWS OF HARVARD :  
COLLEGE, BOSTON CHILDREN'S HOSPITAL, :  
MARINE BIOLOGICAL LABORATORY, :  
UNIVERSITY OF CHICAGO, :  
ROCKEFELLER UNIVERSITY, and :  
NATIONAL SCIENCE FOUNDATION (NSF)— :  
CENTERS FOR BRAINS, MINDS :  
& MACHINES COOPERATIVE AGREEMENT, :  
: *Defendants*. :  
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x

**ANDREW L. CARTER, JR., District Judge:**

The Court is in receipt of the parties' letters regarding Plaintiffs' request to move to consolidate the instant case, 1:22-cv-10959-ALC-SN ("*Marciniak I*") with 1:23-cv-10305-JCP ("*Marciniak II*") pursuant to Fed. R. Civ. P. 42, and to stay the current Motions to Dismiss briefing schedule. ECF Nos. 88, 90-92. Plaintiffs' request to move to consolidate the instant case, and to stay briefing on the Motions to Dismiss, is hereby **DENIED**. On December 29, 2022, Plaintiffs filed *Marciniak I*, ECF No. 1, and on November 13, 2023, this Court so ordered the parties' revised Motions to Dismiss briefing schedule. ECF No. 71. On November 22, 2023, Plaintiffs filed *Marciniak II*, ECF No. 1.

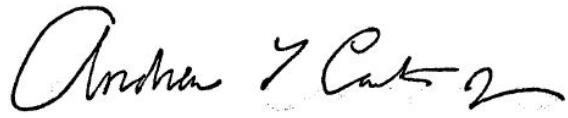
Plaintiffs have not shown good cause for filing a new action (*Marciniak II*) involving common questions of law and fact and substantially the same parties and witnesses and

requesting to move to consolidate the cases, rather than moving to amend their First Amended Complaint in *Marciniak I*, ECF No. 65. Nor is this Court persuaded that consolidating *Marciniak I* and *Marciniak II* would promote judicial economy or prejudice the parties. *Kamdem-Ouaffo v. Pepsico, Inc.*, 314 F.R.D. 130, 136 (S.D.N.Y. 2016). Defendants in *Marciniak I* have already filed their initial papers in their motions to dismiss. ECF Nos. 78, 80, 84, 86.

The parties are ordered to adhere to the Motions to Dismiss briefing schedule, ECF No. 71.

**SO ORDERED.**

**Dated:**      **January 11, 2024**  
                    **New York, New York**



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**ANDREW L. CARTER, JR.**  
**United States District Judge**